

**TOWN OF SULLIVAN
ZONING BOARD OF APPEALS
OCTOBER 8, 2020
7:30 P.M.**

A regular meeting of the Zoning Board of Appeals of the Town of Sullivan was convened at the Town Office Building by Chairman Steve Durfee at 7:30 P.M.

Those in attendance for the meeting were: Members Cliff Reals, Bryan Bendixen, Michael Keville; and Attorney for the Board John Langey.

Excused: Member Terry Manning

Also present: Building/Codes Inspector Larry Ball

PUBLIC HEARING

7:30 P.M. – PHILIP DECKER: USE VARIANCE (128 JEFFERSON AVE., TAX MAP NO. 10.44-1-30.1) STORAGE SHED/BATHHOUSE ON VACANT LOT.

Philip Decker appeared before the Board to request a use variance for a shed to store a lawn mower and other tools to maintain the property. He would also like to have a place where his grandchildren could change and use a port-a-potty if needed while they enjoy the lake.

Darlene Wilmer of 114 Jefferson Ave. stated she opposes this request and everyone should follow the rules. She also argued that the property is not large enough to be built upon. The proposed structure looks like a little house, has an air conditioner in the window and does not look like a shed. Everyone in the area has known for years the property can't be built upon. If allowed, this possibly will happen all over the area on these small lots with people wanting tiny houses. She is concerned of what would be next, getting water/sewer without permission?

Jeff Lopez of 132 Jefferson Ave. borders this property and does oppose this proposal. He looks at it every day and even sometimes mows it. He came from the city with no freedoms and this does not bother him.

Ray Carney of 645 Route 31 helped Mr. Decker clean up the property making it nicer than it was. He had to appear for 9 months and go through the process with his project (making the old Browns golf course into a home) and feels that if someone says they will do something to improve a property they will do it. "This property looks nicer than it ever did before".

Dorothy Kolb of 123 Jefferson Ave. stated she was not for or against this proposal but wanted to clarify they were here because there was no permit and the Town has a law prohibiting accessory buildings on lots without a primary structure.

Attorney John Langey explained the difference between an Area Variance and a Use Variance. There is a test we go through to find out whether this is a self-created hardship. If

it is a self-created hardship, it may not be approved. He explained that the State of New York has created legal standards with this uniform legal test that the Board will go through step by step.

Phyllis Reaume lives on the lake and she is concerned about parties being held with rules and regulations not being followed.

Chairman Steve Durfee read the Town of Sullivan Planning Board comments that were provided. The Planning Board strongly suggests that this Use Variance be denied.

No one else spoke for or against the application and the public hearing was closed at 7:50 P.M.

NEW BUSINESS

OLD BUSINESS

PHILIP DECKER: USE VARIANCE (128 JEFFERSON AVE., TAX MAP NO. 10.44-1-30.1) STORAGE SHED/BATHHOUSE ON VACANT LOT.

The Board jointly reviewed and considered the legal criteria and a proposed resolution for the granting of the requested use variance addressing each of the factors for approval or denial of the application. There was no evidence presented on the issue of a reasonable return on the property. It was noted that the hardship is not unique to the application as there are many undersized lots in the area which are smaller than the minimum building lot size with no existing structures. If the requested use variance is granted it would alter the character of the neighborhood as this opens the door for more future secondary structures on vacant lots in residential neighborhoods. Most importantly, the laws were in effect at the time the property and structure were acquired, thus making the hardship self-created.

This application was declared by the Board to be a Type II Action for SEQR, thus concluding the environmental review process for this matter.

A motion was duly made by Member Keville, seconded by Member Bendixen and unanimously passed by the Board that the applicant has failed to prove unnecessary hardship through the application of the four-part test as required by Town Law Section 267-b(2)(b)(1)-(4) and therefore the use variance request is denied. Specifically, the applicant failed to provide any proof supporting his request.

Member Keville discussed that personally he would be more inclined with looking at the lot size and coverage to look into an area variance to build a primary structure as a small camp. He explained that the level of the Zoning Law is to look at all properties in the Town and how they adversely affect the value of surrounding properties.

Chairman Durfee agrees with Member Keville and if allowed it sets a precedent for everyone to have a shed on these small vacant lots. He also stated the lot does look better than a few years ago.

Larry Ball, Building/Codes officer stated for the record that Philip mentioned he brought in a trailer for a couple days. Trailers are not allowed on vacant lots, only in mobile home parks. He explained with what he sees with the economy the way it is there are more trailers on vacant lots that he has to look into.

APPROVAL OF MINUTES

A motion was duly made by Member Keville, seconded by Member Reals and unanimously passed by the Board approving the minutes of September 10, 2020.

A motion was duly made by Member Keville, seconded by Member Reals to move the meetings from 7:30 PM to 7:00 PM starting in November 2020.

ADJOURNMENT

A motion was duly made by Member Bendixen, seconded by Member Reals and unanimously passed to adjourn the meeting at 8:00 PM.

Respectfully Submitted
Jeri Rowlingson, Secretary